

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC.,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:17-cv-01167-JEB

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY JUDGMENT**

Defendant Federal Bureau of Investigation ("FBI") hereby moves the Court for a further one-week extension of time to file its motion for summary judgment. The FBI's motion is currently due December 7, 2018, and it seeks an extension until December 14, 2018. It further seeks extension of the remaining deadlines for briefing in this case. The reasons for this request are set forth below.

1. This litigation arises out of CNN's request to the FBI, under the Freedom of Information Act ("FOIA"), for copies of records contemporaneously documenting conversations between FBI Director James Comey and President Donald Trump (the "Comey Memos"). The case has been remanded from the United States District Court for the District of Columbia for further proceedings "to determine whether there exist any additional memoranda that have not been publically disclosed, and whether [CNN] is entitled to the disclosure of any unreleased memoranda or redacted portions of released memoranda." Mandate & Order, Aug. 8, 2018, Doc. No. 1744635.

2. On November 7, 2018, the Court established the following schedule for further proceedings in this case:

- FBI's renewed motion for summary judgment and *Vaughn* index concerning the Comey Memos due December 7, 2018;
- CNN's renewed cross-motion for summary judgment, opposition to FBI's renewed motion, and motion for access to the Sealed Records due January 11, 2019;
- FBI's oppositions to CNN's renewed cross-motion and access motion and reply in support of its renewed motion due February 8, 2019; and
- CNN's replies in support of its renewed cross-motion and access motion due March 1, 2019.

3. Lead counsel representing defendant, Carol Federighi, was involved in trial and post-trial proceedings in *State of New York v. U.S. Department of Commerce*, No. 18-cv-2921, and *New York Immigration Coalition v. U.S. Department of Commerce*, No. 18-cv-5025 (S.D.N.Y.), from November 7 through November 21, 2018. She is now preparing for a trial scheduled to start on January 7, 2019, in *State of California v. Ross*, No. 3:18-cv-02279-RS, and *City of San Jose v. Ross*, No. 3:18-cv-02279-RS (N.D. Cal.); *Kravitz v. U.S. Department of Commerce*, No. 18-cv-01041, and *LUPE v. Ross*, No. 18-cv-01570-GJH (D. Md.). In addition, government offices are unexpectedly closed on December 5, 2018. Because of these factors, Ms. Federighi will be unable to complete preparation and obtain review of the FBI's motion for summary judgment by December 7, 2018.

4. Accordingly, the FBI needs additional time to prepare its summary judgment motion. The FBI requests the following amended schedule:

- FBI's renewed motion for summary judgment and *Vaughn* index concerning the Comey Memos due December 14, 2018;
- CNN's renewed cross-motion for summary judgment, opposition to FBI's renewed motion, and motion for access to the Sealed Records due January 18, 2019;
- FBI's oppositions to CNN's renewed cross-motion and access motion and reply in support of its renewed motion due February 15, 2019; and
- CNN's replies in support of its renewed cross-motion and access motion due March 8, 2019.

5. Counsel for the plaintiff CNN has advised Ms. Federighi by email that plaintiff consents to this schedule.

WHEREFORE the FBI respectfully requests that the Court extend the due date for its motion for summary judgment by four weeks, or until December 14, 2018, and further adjust the remaining dates as indicated.

Dated: December 5, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

MARCIA BERMAN  
Assistant Director, Civil Division

*s/Carol Federighi*  
CAROL FEDERIGHI  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044  
Phone: (202) 514-1903  
Email: carol.federighi@usdoj.gov

*Counsel for Defendant*